

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-2935/2</b>	<b>Introduction Number</b> <b>AB-0316</b>	
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> No State Fiscal Effect  <input type="checkbox"/> Indeterminate                      <input type="checkbox"/> Increase Existing Appropriations                      <input type="checkbox"/> Decrease Existing Appropriations                      <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 35%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                      <input checked="" type="checkbox"/> Yes                      <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate                      1. <input type="checkbox"/> Increase Costs                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 30%;">                     3. <input type="checkbox"/> Increase Revenue                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      4. <input type="checkbox"/> Decrease Revenue                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 35%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                         </div> <div style="width: 30%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                         </div> <div style="width: 30%;"> <input type="checkbox"/> Cities  <input type="text" value="0"/> </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR    <input type="checkbox"/> FED    <input checked="" type="checkbox"/> PRO    <input type="checkbox"/> PRS    <input type="checkbox"/> SEG    <input type="checkbox"/> SEGS 20.115(7)(ga)                     </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b> DATCP/ Melissa Mace (608) 224-4800	<b>Authorized Signature</b> Bill Walker (608) 224-4353	<b>Date</b> 6/25/2009

## Fiscal Estimate Narratives

DATCP 6/25/2009

LRB Number	09-2935/2	Introduction Number	AB-0316	Estimate Type	Original
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

The proposed language increases penalties and creates a civil forfeiture option for plant pest violations. Currently, the department only has authority to assess criminal penalties, with a maximum \$200 fine. Because of the department's limited penalty authority, penalties are not an effective deterrent to keep people and businesses from violating plant pest laws. The department believes allowing civil forfeitures and increasing the maximum fines will help deter violations. Any forfeitures collected under this provision would be deposited in the Common School Fund and would not be used to support department programs.

Case load is expected to remain low, under five cases per year, because the main value of the increased penalties is as a deterrent. There will be some additional costs to the state to investigate violations and prosecute cases; however, these would be relatively small. Based on costs to conduct investigations of violations in the department's Agrichemical Management Bureau, the department anticipates that each case would take an average of 20 hours to investigate (at \$36/hr) and 4 hours of administrative time (at \$45/hr) for a total of \$900 per case.

### Long-Range Fiscal Implications

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>		
<b>II. Annualized Costs:</b>		
	<b>Annualized Fiscal Impact on funds from:</b>	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$4,500	\$
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$4,500</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>		
GPR		
FED		
PRO/PRS	4,500	
SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>		
	State	Local
NET CHANGE IN COSTS	\$4,500	\$
NET CHANGE IN REVENUE	\$	\$
<b>Agency/Prepared By</b>		
<b>Authorized Signature</b>		<b>Date</b>
DATCP/ Melissa Mace (608) 224-4800		6/25/2009
Bill Walker (608) 224-4353		

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<b>Agency/Prepared By</b>  DHS/ Ellen Hadidian (608) 266-8155	<b>Authorized Signature</b>  Andy Forsaith (608) 266-7684	<b>Date</b>  7/28/2009

## Fiscal Estimate Narratives

DHS 7/28/2009

LRB Number	09-2935/2	Introduction Number	AB-0316	Estimate Type	Original
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

This bill recodifies current statutes which relate to emergency management. Among other changes, the bill creates a separate chapter for legislation regarding emergency volunteer health care practitioners and adds new categories of health care workers who would qualify as emergency health care practitioners.

Under current law, certain health care providers licensed by Wisconsin who provide services on a voluntary basis during a declared state of emergency are considered to be state agents of the Department for the provision of these services. If a civil action arises out of an act committed by the provider during the lawful course of that person's duties, the state provides legal counsel and any judgments against the provider are paid by the state and capped at \$250,000. These providers are also considered to be employees of the state for purposes of worker compensation.

This bill adds emergency medical technicians, first responders, funeral directors, and veterinary technicians to the list of those who can qualify as emergency volunteer health care providers and, who, as a result, acquire the status of state agents of DHS when they provide services under the emergency volunteer program. The bill also allows providers who are licensed or certified by another state or territory to become an emergency health care provider in Wisconsin.

Liability claims against the state are paid from funds administered by the Department of Administration. The Department pays premiums to DOA for liability insurance. The Department paid \$271,975 for liability insurance and \$105,066 for medical malpractice insurance in SFY 09. Workers compensation premiums for all employees were \$4.4 million for the same period. If these volunteer emergency health care providers were added to the Department for liability purposes, and claims were made against them, the Department's liability premiums would also increase. However, the amount by which the premiums will increase as a result of the bill cannot be estimated.

AB 316 also requires the Department to establish an electronic registration system for providers who are willing to volunteer in an emergency. The system must be able to verify electronically a volunteer's credentials. The Department currently operates an electronic registration system which meets these requirements. There will be no additional cost to the Department as a result of this provision.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

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<b>Agency/Prepared By</b> DMA/ Brett Coomber (608) 242-3155	<b>Authorized Signature</b> Brett Coomber (608) 242-3155	<b>Date</b> 6/17/2009

## **Fiscal Estimate Narratives**

**DMA 6/17/2009**

LRB Number	<b>09-2935/2</b>	Introduction Number	<b>AB-0316</b>	Estimate Type	<b>Original</b>
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### **Assumptions Used in Arriving at Fiscal Estimate**

### **Long-Range Fiscal Implications**

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## **Fiscal Estimate Narratives**

**DNR 8/4/2009**

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### **Assumptions Used in Arriving at Fiscal Estimate**

#### **Bill Summary:**

The bill changes and updates the current state statute s.166 related to Emergency Government and Homeland Security issues, and renumbers to state statute s. 323. Items that have the most impact on the Department are: the bill extends the Governors' Emergency Declaration Authority for all hazards to 60 days, currently this authority is for 30 days; the bill will also allow the owner of any boat, snowmobile and ATV to operate them without registration when responding to an official request for help during any declared state of emergency; and the bill changes the conservation warden budget statues to reflect the Governor's declaration of a civil disorder, which is renumbered and updated by the bill.

State Fiscal Impact: There will be no state fiscal impact to the Department based on this bill.

Local Fiscal Impact: It is indeterminate what the impact of this bill will be on local units of government.

### **Long-Range Fiscal Implications**

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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<b>II. Annualized Costs:</b>	<b>Annualized Fiscal Impact on funds from:</b>
	Increased Costs      Decreased Costs
<b>A. State Costs by Category</b>	
State Operations - Salaries and Fringes	\$
(FTE Position Changes)	
State Operations - Other Costs	
Local Assistance	
Aids to Individuals or Organizations	
<b>TOTAL State Costs by Category</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>	
GPR	
FED	
PRO/PRS	
SEG/SEG-S	
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>	
	Increased Rev      Decreased Rev
GPR Taxes	\$
GPR Earned	
FED	
PRO/PRS	
SEG/SEG-S	
<b>TOTAL State Revenues</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>	
	State      Local
NET CHANGE IN COSTS	\$
NET CHANGE IN REVENUE	\$
<b>Agency/Prepared By</b> <b>Authorized Signature</b> <b>Date</b> DNR/ Joe Polasek (608) 266-2794      Joe Polasek (608) 266-2794      8/4/2009	

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<b>Agency/Prepared By</b> DOA/ Cathleen Connolly (608) 261-2292	<b>Authorized Signature</b> Martha Kerner (608) 266-1359	<b>Date</b> 6/18/2009

## **Fiscal Estimate Narratives**

**DOA 6/18/2009**

LRB Number	<b>09-2935/2</b>	Introduction Number	<b>AB-0316</b>	Estimate Type	<b>Original</b>
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### **Assumptions Used in Arriving at Fiscal Estimate**

In the sections that impact the Wisconsin Department of Administration (DOA), Assembly Bill (AB) 316 provides that if the Governor determines that there is an emergency related to computer or telecommunications systems, he may designate DOA as the lead agency to respond to that emergency. The bill also requires the Adjutant General of the Department of Military Affairs, who is responsible for developing a state plan of emergency management, to seek the advice of DOA with respect to any aspects of the plan related to computer or telecommunications systems. AB 316 also requires the Adjutant General to consult with DOA regarding providing incident command system training for emergencies related to computer or telecommunications systems.

In the event of a computer or telecommunications emergency DOA would mobilize its current staff to lead and respond to the emergency. It is likely that staff would be redirected from their normal workload to the emergency response. It is possible that staff would work overtime during the emergency but the likelihood and level of overtime cannot be determined until the emergency occurs. The Department does not anticipate purchasing additional equipment to implement the bill if passed.

The directive to DOA to advise the Department of Military Affairs on aspects of the state plan of emergency management related to computer or telecommunications systems is met through DOA's current membership on the State Homeland Security Council and membership on the Interagency Work Group. Consultation regarding the level of incident command system training that may be required could be provided by existing staff.

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## Fiscal Estimate Narratives

DOJ 6/30/2009

LRB Number	09-2935/2	Introduction Number	AB-0316	Estimate Type	Original
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice's Civil Litigation Unit is responsible for state tort defense, both trial and appellate. Among other things, this unit provides legal representation for the medical faculty of the University of Wisconsin (UW) and the Department of Corrections (DOC) in medical negligence cases.

Under current law, certain private health care providers who are credentialed by the proper Wisconsin regulatory agency, and who provide care or services on a voluntary, unpaid basis during a declared state of emergency, are granted status as a state agent of the Department of Health Services (DHS). As it does for UW and DOC employees, the Department of Justice may appear for and defend state agents of DHS in civil actions or other matters before courts resulting from an act committed in the lawful course of the agent's duties.

2009 Assembly Bill 316 amends current law by expanding the list of private health care providers granted state agent status during emergencies to include: 1) emergency medical technicians, first responders, funeral directors, and veterinary technicians; and 2) persons who are credentialed by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual credentialed in Wisconsin may perform.

As a result, the number of cases in which DOJ receives a request to provide legal services may increase. While DOJ anticipates that any increase attributable to AB 316 will be small, there is no way to be certain of the size of any increase. If the increase in the number of cases is significant, DOJ will require additional resources to handle the increased legal caseload.

The Department of Justice also enforces the state's environmental laws, including chapter 166.20, relating to hazardous substances information and emergency planning. Under 166.20 (8), the Department of Justice, at its own discretion or at the request of the Division of Emergency Management, local emergency planning committee, or district attorney for the county in which the violation is alleged to have occurred, shall enforce 166.20 (2) to (7). In any action commenced under this paragraph, the Department of Justice may request the assistance of the district attorney for the county in which the violation is alleged to have occurred and the district attorney shall provide the requested assistance.

AB 316 amends current law to specify that alleged violations of 166.20 occurring within the boundaries of a federally recognized Indian reservation or on land that is held in trust by the federal government for the benefit of an American Indian tribe or band may be enforced only by the department of justice.

In recent years, the Department of Justice has handled few cases resulting from violations of 166.20. The department has little reason to believe the number of cases it will handle relating to 166.20 will change significantly in future years. As a result, DOJ does not anticipate a fiscal impact due to AB 316 placing enforcement responsibility for certain violations of 166.20 solely within DOJ. However, if the number of those particular violations should unexpectedly increase substantially, the department will require additional resources to bring the corresponding enforcement actions relating to those violations.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-2935/2</b>	<b>Introduction Number</b> <b>AB-0316</b>	
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties		
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<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR    <input type="checkbox"/> FED    <input checked="" type="checkbox"/> PRO    <input type="checkbox"/> PRS    <input type="checkbox"/> SEG    <input type="checkbox"/> SEGS 20.165(1)(g)                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b> R&L/ Jim Parker (608) 266-0746	<b>Authorized Signature</b> Hector Colon (608) 266-8608	<b>Date</b> 6/23/2009

## Fiscal Estimate Narratives

R&L 6/23/2009

LRB Number	<b>09-2935/2</b>	Introduction Number	<b>AB-0316</b>	Estimate Type	<b>Original</b>
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

This bill would have no fiscal impact on the Department of Regulation and Licensing.

### Long-Range Fiscal Implications



## Fiscal Estimate - 2009 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>09-2935/2</b>	<b>Introduction Number</b> <b>AB-0316</b>	
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties		
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<b>Agency/Prepared By</b> DPI/ Michael TeRonde (608) 266-5186	<b>Authorized Signature</b> Michael Bormett (608) 266-2804	<b>Date</b> 6/25/2009

## Fiscal Estimate Narratives

DPI 6/25/2009

LRB Number	09-2935/2	Introduction Number	AB-0316	Estimate Type	Original
<b>Description</b> Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

This is an omnibus bill that makes changes in the state's emergency management system. Only a small portion of the bill -- that dealing with school computation days -- affects K-12 education.

Current law provides that no state aid may be paid to a school district that fails to hold school for at least 180 days each year, with the days to be computed in accordance with s. 115.01 (10). That latter statute provides that school days are days on which school is actually taught and also include the following: (1) days on which school is closed by order of the school district administrator because of inclement weather and days on which parent-teacher conferences are held, not to exceed 5 days during the school term; and (2) days on which school is closed by order of a local health officer.

This bill also includes days on which school is closed by order of the state department of health services. In addition, it includes days on which school is closed by order of the school district administrator because of a threat to the health or safety of pupils or school personnel (but not including inclement weather, which is covered by current law).

The provisions of the bill relating to school computation days would require the department to revise PI 8. It is assumed that the cost of doing so could be absorbed by the department. The bill will not affect the total amount of state school aid paid.

### Long-Range Fiscal Implications